

FILED

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION – CLEVELAND

SEP 21 AM 9:50

CARLA J. BOST
8197 Branch Road
Medina, Ohio 44256

Plaintiff,

vs.

PATRICK R. DONAHOE
Postmaster General of the United States
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-0010

Defendant.

CASE NO.:

JUDGE

COMPLAINT

(JURY DEMAND ENDORSED
HEREON)

JUDGE POLSTER

MAG. JUDGE McHARGH

SUMMARY OF CLAIMS

1. Plaintiff seeks recovery for sex discrimination under Title VII of the Civil Rights Act of 1964 as amended, 42.U.S.C. § 2000(e)-5 *et seq.* (hereinafter “Title VII”)

JURISDICTION AND VENUE

2. The Title VII claim set forth herein is brought pursuant to federal law.
3. Defendant conducted activities that gave rise to Plaintiff’s claim for relief in Medina County, Ohio.
4. Plaintiff, as an employee of the United States Postal Service (hereinafter “USPS”), filed a timely formal complaint for, *inter alia*, sex discrimination with the EEO office pursuant to all applicable regulations on March 23, 2011.
5. The EEO investigated Plaintiff’s case, and, pursuant to applicable regulations, a Final Agency Decision – Mixed Case authored by Marissa A. Haley, EEO Services Analyst of the Tampa Florida EEO office denying Plaintiff’s sex discrimination claim, was issued on August

22, 2011.

6. The foregoing Final Agency Decision advises Plaintiff that she has thirty calendar days from receipt of the Decision to file a civil action against the Postmaster General in this United States District Court inasmuch as she has exhausted her administrative remedies. (See portion of Final Agency Decision advising Plaintiff of her appeal rights attached hereto as Ex. A incorporated by reference as if fully rewritten herein).

7. Accordingly, pursuant to all applicable statutes and regulations granting this Court jurisdiction, including but not limited to, 5 U.S.C. §7702, 28 U.S.C. §1343(a)(4), and 29 C.F.R. §1614.310, all jurisdictional requirements have been met.

THE PARTIES

8. Plaintiff Carla J. Bost is a female who resides in Medina County, Ohio.

9. Defendant is the Postmaster General of the USPS. According to statute, he is the person who is to be named as the Defendant in this case. It is his agents who violated Plaintiff's rights; at all times referenced herein said agents were acting in their capacities as USPS employees.

FIRST CLAIM FOR RELIEF - SEX DISCRIMINATION

10. Plaintiff has been employed by the USPS at its Medina Carrier Annex since approximately 1996 as a rural postal carrier.

11. Plaintiff sustained an injury at work on or about August, 2005 and later was placed in a modified job assignment.

12. On or about September 17, 2010, Plaintiff was sent home as a result of an NRP assessment.

13. Plaintiff filed a timely grievance with her union, the National Rural Letter Carriers Association (hereinafter "the Union"), protesting the NRP action.

14. The Union entered into a verbal agreement with the USPS under which the USPS offered Plaintiff on December 15, 2010 a modified job assignment performing custodial and clerical duties at her regular postal carrier pay. See job assignment offer attached hereto as Exhibit B incorporated by reference as if fully rewritten herein.

15. Plaintiff reported to duty on December 15, 2010, but after she had worked at her new assignment for two days, her supervisor, Postmaster Jesus Noah Escobar, instructed her not to return to work.

16. Mr. Escobar informed Plaintiff that the USPS could pay her only as a casual at a rate substantially lower than her regular postal carrier pay.

17. Plaintiff was qualified to perform the foregoing custodial/office job assignment.

18. The USPS replaced Plaintiff in the foregoing custodial/office job assignment with a less qualified or similarly qualified male who received pay at a rate substantially higher than that earned by a casual.

19. Defendant and Mr. Escobar's decision to terminate Plaintiff's custodial/clerical work assignment and their failure to honor the foregoing modified job assignment offer occurred because of Plaintiff's sex, in violation of Title VII.

20. Throughout the time Mr. Escobar served as Plaintiff's supervisor, he engaged in a practice of requesting sexual favors from Plaintiff, repeatedly made sexually offensive, degrading, and inappropriate remarks to Plaintiff, treated the males in the Medina Carrier Annex differently than he treated the women, and otherwise created a hostile and sexually discriminatory work environment.

21. As a direct and proximate result of the foregoing sex discrimination by Defendant,

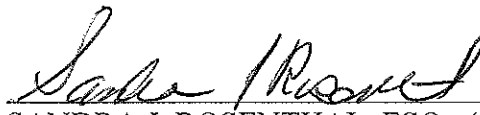
Plaintiff has sustained a loss of past and future earnings and benefits, and great emotional distress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant judgment against Defendant on all of her claims, and specifically requests the following:

- a) an award of compensatory damages in an amount that will compensate Plaintiff sufficient to redress the harm she has suffered, including damages for past and future lost earnings, lost benefits, and mental anguish, and pain and suffering;
- b) an award of attorneys' fees and the costs and expenses of this action;
- c) prejudgment and post-judgment interest at the maximum amount permitted by law;
- d) back pay and front pay; and
- e) such other and further legal and equitable relief as may be found appropriate and as the Court may deem just or equitable.

Respectfully submitted,



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JURY DEMAND

Plaintiff hereby demands a trial by jury in the maximum number of jurors permitted
by law.


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